

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 3, 2003. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejection

The Examiner rejects Claims 1-3, 5-7, 9, 10, 12-16, 18, and 19 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Application Pub. No. 2003/0147522 to Elazar ("*Elazar*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Applicants respectfully submit that *Elazar* fails to disclose the elements specifically recited in Applicants' claims. For example, *Elazar* fails to disclose or even teach or suggest "gathering feedback from the client about an agent and an interaction associated with the agent," as recited in Applicants' independent Claim 1.

The Examiner claims, "Elazar further teaches gathering customer interaction debriefing from the customer about an agent and an interaction associated with the agent through the communication channel." (Office Action, page 2, paragraph 4).

Applicants respectfully submit that *Elazar* fails to disclose or even teach or suggest gathering from the client feedback about an agent and an interaction associated with the agent. *Elazar* discloses a monitoring system for monitoring telephonic interaction between an agent and a customer. (Abstract). Based on information received from the monitoring system, "management and supervisory personnel are able to evaluate an agent's telephone call activity and take corrective action where an agent's performance falls below acceptable norms." (Page 1, paragraph 0003). "Evaluation forms may be completed on-screen by a supervisor via workstation 18 or by an agent via workstation 14 for such purposes as evaluating agent performance or providing a customer interaction debriefing." (Page 2, paragraph 0034).

That is, the monitoring system of *Elazar* monitors telephone calls between an agent and a customer to provide information. A manager or the agent may use the information to evaluate the agent or to provide a debriefing on the customer interaction. *Elazar*, however,

fails to disclose or even teach or suggest gathering from the client feedback about an agent and an interaction associated with the agent.

Consequently, at a minimum, *Elazar* fails to disclose, teach, or suggest, "gathering feedback from the client about an agent and an interaction associated with the agent," as recited in Applicants' claim. For at least these reasons, *Elazar* fails to disclose the elements specifically recited in Applicants' independent Claim 1.

Independent Claims 7 and 14 recite certain limitations substantially similar to those recited in independent Claim 1. Accordingly, for at least the same reasons, Applicants also respectfully request reconsideration and allowance of independent Claims 7 and 14. Applicants' dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the reference of the rejection. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the reference of the rejection, and to avoid burdening the record, Applicants have not provided detailed remarks concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Applicants respectfully request reconsideration and allowance of independent Claims 1, 7, and 14 and all claims that depend on these claims.

Section 103(a) Rejection

The Examiner rejects Claims 4, 11, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Elazar* in light of U.S. Patent No. 6,363,145 to Shaffer et al. ("*Shaffer '145*"). Applicants respectfully traverse this rejection for the reasons discussed below.

For at least the reasons provided above, *Elazar* does not disclose, teach, or suggest the elements specifically recited in Applicants' independent Claims 1, 7, and 14, whether *Elazar* is considered alone or in combination with *Shaffer '145*. Applicants' dependent claims are allowable based on their dependence on the independent claims and further because they recite numerous additional patentable distinctions over the *Elazar-Shaffer '145* combination suggested by the Examiner. Because Applicants believe they have amply demonstrated the allowability of the independent claims over the *Elazar-Shaffer '145* combination, and to avoid burdening the record, Applicants have not provided additional detailed remarks

concerning these dependent claims. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Independent Claim 20 recites certain limitations substantially similar to those recited in independent Claim 1. Accordingly, for at least the same reasons, *Elazar* does not disclose, teach, or suggest the elements specifically recited in independent Claim 20.

Applicants respectfully request reconsideration and allowance of Claims 4, 11, 17, and 20.

The Examiner rejects Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Elazar* in light of U.S. Patent No. 6,128,380 to Shaffer et al. ("*Shaffer* '380"). Applicants respectfully traverse this rejection for the reasons discussed below.

For at least the reasons provided above, *Elazar* does not disclose, teach, or suggest the elements specifically recited in Applicants' independent Claim 7, whether *Elazar* is considered alone or in combination with *Shaffer* '380. Applicants' dependent claim is allowable based on its dependence on the independent claim and further because it recites numerous additional patentable distinctions over the *Elazar-Shaffer* '380 combination suggested by the Examiner. Because Applicants believe they have amply demonstrated the allowability of the independent claim over the *Elazar-Shaffer* '380 combination, and to avoid burdening the record, Applicants have not provided additional detailed remarks concerning the dependent claim. Applicants, however, remain ready to provide such remarks if it becomes appropriate to do so.

Applicants respectfully request reconsideration and allowance of Claim 8.

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CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Applicants have included a check in the amount of \$475.00 for the three-month extension of time. If it is determined that any additional fee is due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: April 1, 2004

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